

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

FORT WORTH AUTO SUPPLY, INC
Plaintiff,

v.

ALLIED INSURANCE COMPANY
OF AMERICA, AND NICKI HAAK,
Defendants.

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CIVIL ACTION NO. 4:24-cv-00787-P

**AGREED STIPULATION OF DISMISSAL WITH PREJUDICE AS TO DEFENDANT
NICKI HAAK**

Plaintiff Fort Worth Auto Supply, Inc (“Plaintiff”) and Defendants Allied Insurance Company of America (“Allied”) and Nicki Haak (“Haak”) (collectively, “Defendants”) hereby file this Agreed Stipulation of Dismissal with Prejudice applicable as to Plaintiff’s claims against Defendant Nicki Haak only.

1. Plaintiff filed suit against Allied and Haak related to an insurance claim for property damage.

2. Prior to removal to federal court, Allied notified Plaintiff that it was electing to “accept whatever liability Nicki Haak might have to” Plaintiff for her “acts or omissions related to the claim.” *See* Doc. No. 1-4; *see also* Tex. Ins. Code §542A.006(a). Allied thus contends that Nicki Haak should be dismissed from this lawsuit with prejudice.

3. Plaintiff agrees to the dismissal of Nicki Haak with prejudice, subject to Tex. Ins. Code §542A.006(g).¹

¹ If an insurer makes an election under Subsection (a) and the agent is not a party to the action, evidence of the agent's acts or omissions may be offered at trial and, if supported by sufficient evidence, the trier of fact may be asked to resolve fact issues as if the agent were a defendant, and a judgment against the insurer must include any liability that would have been assessed against the agent.

4. This case is not a class action, and a receiver has not been appointed.
5. This dismissal is with prejudice. The parties will bear their own costs of suit.
6. This stipulation of dismissal does not affect Plaintiff's claims against Allied

Insurance Company of America.

Respectfully submitted,

/s/ Jonathan P. Ayers (w/ permission PMK)

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**LOCAL COUNSEL FOR DEFENDANT
ALLIED INSURANCE COMPANY OF
AMERICA**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been served electronically via CM/ECF this the 3rd day of September, 2024 to:

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/s/ Patrick M. Kemp

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